

CLASSIFIED AND EXTENDED BY SP2TAP/CC/12  
REASON FOR EXTENSION FCIM, II, 1-2.4.2  
DATE OF REVIEW 3-20-79  
DECLASSIFICATION 8/21/79

CC TO: State  
REQ. REC'D 6-3-64  
JUL 6 1964  
ANS. BY: [Signature]

March 20, 1959

BERNARD FENSTERWALD, JR.

8/3/94  
CLASSIFIED BY: [Signature]  
CA # 94-0.55 HNG

An applicant-type investigation concerning Mr. Fensterwald was conducted by this Bureau in 1949. The information set forth hereinafter was obtained during the 1949 investigation as well as during the current inquiries.

I. BIOGRAPHICAL DATA ~~CLASSIFIED DECISIONS FINALIZED BY DEPARTMENT REVIEW COMMITTEE (DRC) DATE: 8/23/94 5/6/01 SW/amy~~

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

Birth

Bernard Fensterwald, Jr., was born August 2, 1921, in Nashville, Tennessee, the son of Bernard Fensterwald and Blanche Lindauer Fensterwald. His father is deceased and his mother resides in Nashville, Tennessee.

Education

Mr. Fensterwald attended Harvard College, Harvard University, Cambridge, Massachusetts, from 1938 to 1942 when he was graduated with a Bachelor of Science degree.

He attended Harvard Law School, Harvard University, Cambridge, Massachusetts, from 1946 to 1949 when he was awarded a Bachelor of Laws degree. He was an excellent student and his record is clear.

Records located at the School of Advanced International Studies, Washington, D. C., reflect Mr. Fensterwald attended this school from January to June, 1946, in Washington, D. C., and attended summer sessions of this school during 1947 and 1949 at Peterborough, New Hampshire. He was awarded a Master of Arts degree in June, 1950.

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ENCLOSURE

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY SLIP(S) DATE

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On an application for Federal employment form submitted February 16, 1959, Mr. Fensterwald indicated he attended Cambridge University, Cambridge, England, from 1954 to 1955 but did not receive a degree. This was not verified.

Military Service Record

Mr. Fensterwald's record with the United States Navy at Washington, D. C., reflects he was appointed an ensign, United States Naval Reserve on April 3, 1942, and reported for active duty on September 18, 1942. He was detached from duty on March 1, 1946, at Washington, D. C., and on May 1, 1946, he was released from active duty as a lieutenant, United States Naval Reserve. His record reflects his efficiency ratings ranged from average through excellent.

His file contained a letter from his commanding officer which was directed to Mr. Fensterwald dated April 6, 1945, which stated in part:

"You were appointed officer in charge of six groups of officers and men to embark on the USS 'Cleveland' for a sight-seeing trip to Manila, Philippine Islands. One of these groups was under your direct supervision. In addition, detailed instructions concerning the conduct of the personnel in the groups were furnished you prior to departure from this ship, and supplemental instructions were given on the USS 'Cleveland.' Notwithstanding the information you received, certain members of the sight-seeing party flagrantly violated the orders governing their conduct to the extent that it was necessary for the commanding officer, USS 'Cleveland' to inform me officially of the incidents

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which do not reflect creditably on this ship. To aggravate the situation, all of the offenders were from the group of which you were in charge. I consider your inattention and failure to set an example of seamanlike performance of duty inexcusable. Because of the above, you are hereby suspended from duty for a period of ten days. During this period of suspension you will confine yourself to the limits of your ship, exclusive of the quarter-deck and the bridges."

Mr. Fensterwald's file contained no additional unfavorable information.

A review of Mr. Fensterwald's United States Navy officer record in Washington, D. C., during the current investigation revealed that as of January 29, 1958, he was a lieutenant in the United States Naval Reserve in an inactive status.

It is noted that the dates of military service for Mr. Fensterwald, as obtained from his official service record, conflict in part with a portion of his educational record.

#### Admissions to Bar

Records of the Supreme Judicial Court, Suffolk County Courthouse, Boston, Massachusetts, reflect Mr. Fensterwald was admitted to the Massachusetts Bar on September 27, 1949. No record of any grievances against him was located.

Records of the Massachusetts Bar Association, Boston, Massachusetts, reveal no record of any grievances against Mr. Fensterwald.

The Lawyers' Register, United States District Court for the District of Columbia, reflects Mr. Fensterwald

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was admitted to the practice of law in the District of Columbia on June 19, 1953. No record for Mr. Fensterwald was located in the records of the Committee on Admissions and Grievances, United States District Court for the District of Columbia.

No record concerning Mr. Fensterwald was located in the records of the Bar Association for Washington, D. C.

A search of the membership and grievance files of the American Bar Association, Chicago, Illinois, disclosed no prior or current membership record for Mr. Fensterwald.

During the 1949 investigation of Mr. Fensterwald it was determined Mr. Fensterwald did not pass the Tennessee Bar examination afforded him in June, 1949, and, therefore, was not admitted to the Tennessee Bar.

#### Employment

From January, 1950, to September, 1956, Mr. Fensterwald was employed by the Department of State in Washington, D. C., as an assistant to the Legal Adviser.

In connection with the above employment, a review of personnel records located at the Federal Records Center, St. Louis, Missouri, reflected Mr. Fensterwald was employed on January 9, 1950, as an attorney - adviser by the Department of State at Washington, D. C. He was placed on leave without pay from September 3, 1954, to January 5, 1956, in order that he might study at the University of Cambridge in England. The above employment was terminated on September 5, 1956, by reason of resignation to accept other employment.

From September, 1956, to January, 1957, Mr. Fensterwald worked for United States Senator from Tennessee Estes Kefauver during the Senator's political campaign. [redacted] to Senator Kefauver, advised Mr. Fensterwald was not on the Senator's or the United States Senate payroll during this period of employment.

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Records of the United States Senate Disbursing Office, Washington, D. C., reflect Mr. Fensterwald entered on duty on January 16, 1957, as an assistant clerk to United States Senator from Missouri Thomas C. Hennings, Jr., and that on April 19, 1957, he was promoted to administrative assistant. These records further reflect that on February 1, 1959, Mr. Fensterwald transferred to the position of Chief Counsel, United States Senate Subcommittee on Constitutional Amendments and is currently serving in that capacity.


Marital Status

Mr. Fensterwald is married to the former Betty Vosberg of Washington, D. C. They have one minor child, a son, and reside in Arlington, Virginia.

II. RESULTS OF INVESTIGATIONS

Interviews

United States Senator from Tennessee Estes Kefauver advised he has known Mr. Fensterwald approximately eight years. He described Mr. Fensterwald as a bright and able young man whose character, associates and loyalty are satisfactory in every respect. Senator Kefauver said he recommended Mr. Fensterwald for the present position he holds and would not hesitate to recommend him for any sensitive position with the Government.

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United States Senator from Missouri Thomas C. Hennings, Jr., advised he has known Mr. Fensterwald since July, 1957, both professionally and socially. He said Mr. Fensterwald's character, associates and loyalty are above question and he has performed his work in a competent and satisfactory manner. He recommended Mr. Fensterwald for a sensitive position with the Government.

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Jack B. Tate, Associate Dean, School of Law, Yale University, New Haven, Connecticut, advised he was formerly associated with Mr. Fensterwald in the Department of State

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for approximately four years. He said during that period he became well acquainted with Mr. Fensterwald and has continued to maintain this close association and friendship. He described Mr. Fensterwald as a man of very high intelligence and ability as a lawyer. He said he is a hard worker and has a pleasant personality and "gets along" with people. He said Mr. Fensterwald is a fair-minded person of excellent judgment who has a great interest in world affairs. He said after leaving the Department of State, Mr. Fensterwald studied at Cambridge University in England. Mr. Tate also said that Mr. Fensterwald, out of intellectual curiosity, visited the Soviet Union and that before and after this visit Mr. Fensterwald had commented that he thought "the communists are lousy."

Mr. Tate continued by stating that Mr. Fensterwald's associates have always been persons of high regard in governmental and academic circles and they have been persons of excellent character, reputation and unquestionable loyalty. Mr. Tate concluded by recommending Mr. Fensterwald for a position of high trust and confidence in the Government.

Leonard C. Meeker, Assistant Legal Adviser for United Nations, advised he has been acquainted with Mr. Fensterwald since approximately the Summer of 1951. He said Mr. Fensterwald had been under his immediate supervision during most of his, Fensterwald's, employment at the Department of State. Mr. Meeker said he found Mr. Fensterwald to be a very competent attorney who was sincere, discreet and trustworthy. He said further he has had some social contact with Mr. Fensterwald, having visited in his home on several occasions. He said he considers Mr. Fensterwald to be a person of fine character, high integrity and a loyal American citizen. He concluded by stating he is aware of nothing of an adverse nature concerning Mr. Fensterwald, and he recommended him without reservation for a position of trust and confidence.

Twenty-four additional individuals contacted during the investigations of Mr. Fensterwald and comprising



  
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neighbors, former neighbors, professional associates, social acquaintances and others, advised Mr. Fensterwald is a loyal person of excellent character, reputation and associates, and they recommended him for a position of trust and confidence.

Miscellaneous

A confidential informant who had furnished reliable information in the past, advised during the 1949 investigation that the names Mrs. B. Fensterwald and Ann Fensterwald, both of Belle Meade Park, Nashville, Tennessee, appeared on a list of the delegates and members of the Southern Conference for Human Welfare in attendance at the third meeting, April 19 through April 21, 1942, in Nashville, Tennessee.

It is noted Mr. Fensterwald's mother's given name is Blanche and he has a sister Ann Fensterwald, who is now Mrs. Robert D. Eisenstein, both of Nashville, Tennessee.

Another confidential informant, who had furnished reliable information in the past and who was well acquainted with Mr. Fensterwald and his family, was contacted during the 1949 investigation of Mr. Fensterwald. This informant was quite well informed concerning the activities of the Southern Conference for Human Welfare and he advised he did not recall Mr. Fensterwald's mother or sister Ann being active in the Southern Conference for Human Welfare or even being associated with it. He said it was quite possible that they were contributors and attended the meeting in April, 1942. He pointed out that many leading citizens of Nashville, Tennessee, had been approached by the Southern Conference for Human Welfare for donations and sponsorships. He said that at the time these people were approached they were given to understand the Southern Conference for Human Welfare was a semireligious organization which was set up to give aid to the Negro race. He said it was logical that the Fensterwalds would be approached and they may have contributed inasmuch as they had been leaders in charitable work. The informant pointed out further that Mrs. Eleanor

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Roosevelt was guest speaker at the meeting and many people had attended for that reason alone. He said Mr. Fensterwald and his family have an excellent reputation in Nashville and there is no question concerning their loyalty to the United States.

The Southern Conference for Human Welfare has been cited as a communist front organization "which seeks to attract southern liberals on the basis of its seeming interest in the problems of the South" although its "professed interest in southern welfare is simply an expedient for larger aims serving the Soviet Union and its subservient Communist Party in the United States." (Committee on Un-American Activities, House Report 592, on the Southern Conference for Human Welfare, June 16, 1947.)

A confidential informant, who has furnished reliable information in the past, advised on February 21, 1956, that

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Another confidential informant advised that Mrs. Bernard Fensterwald and son were departing the United States on Scandinavian Airlines System flight 904 on June 23, 1956, for the Soviet Union. ~~(u)~~

An article appeared in the "Banner," a daily newspaper published in Nashville, Tennessee, on June 21, 1956, which set forth that Bernard Fensterwald, Jr., a State Department lawyer, and his mother, Mrs. Bernard



  
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Fensterwald, Sr., Clarendon Avenue, Nashville, would leave on the following Friday on a three weeks' vacation trip to Russia.

Mr. Fensterwald was quoted in the article as saying that this was strictly a vacation trip and that he and his mother were curious to see what was going on behind the Iron Curtain. He said, according to the article, they planned to visit Leningrad, Moscow, Stalingrad, Rostov, and Kiev and that they were more interested in seeing the industries and the people than in browsing through art museums. The article further set forth that this was to be Mr. Fensterwald's first trip to Russia but his mother was said to have visited there under the Czarist regime just before World War I.

#### Immediate Relatives

Mr. Fensterwald has no living immediate relatives in addition to his wife, son, mother and sister, previously referred to in this summary memorandum.

#### Credit and Arrest Checks

A check of the records of the appropriate credit reporting agencies and law enforcement agencies disclosed no pertinent identifiable information with reference to Mr. Fensterwald or any of his immediate relatives, except as follows:

The records of the Arlington County, Virginia, Police Department reflected Mr. Fensterwald on January 20, 1952, was cited for traveling forty miles per hour in a twenty-five miles per hour zone for which he paid \$10.

#### Agency Checks

The files of the following governmental agencies were checked concerning Mr. Fensterwald

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Central Intelligence Agency; Investigations Division, Civil Service Commission; House Committee on Un-American Activities; Office of Security, Department of State; and the central files of the Federal Bureau of Investigation.

Mr. J. D. Hensley, Office of Security Services, Office of the Secretary of Defense, Washington, D. C., made available a file pertaining to Mr. Fensterwald which contained a memorandum dated August 30, 1957, reflecting that Mr. Fensterwald was to be an official United States Government Observer at the "GIRARD Trial" in Japan. Mr. Hensley advised Mr. Fensterwald was issued a "secret clearance" by the Office of the Secretary of Defense on August 20, 1957. No additional pertinent information was contained in this file and it was noted Mr. Fensterwald was never employed by the Office of the Secretary of Defense.

Passport Office

The files of the Passport Office, Department of State, Washington, D. C., reflect Mr. Fensterwald was issued four passports between 1946 and 1957 for travel abroad. No additional pertinent information concerning Mr. Fensterwald was located in the files of the Passport Office.